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August 11, 2011

**EX PARTE NOTICE**

VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Connect America Fund, WC Docket No. 10-90  
A National Broadband Plan for Our Future, GN Docket No. 09-51  
Establishing Just and Reasonable Rates for Local Exchange Carriers,  
WC Docket No. 07-135  
High-Cost Universal Service Support, WC Docket No. 05-337  
Developing a Unified Intercarrier Compensation Regime,  
CC Docket No. 01-92  
Federal-State Joint Board on Universal Service, CC Docket No. 96-45  
Lifeline and Link-Up, WC Docket No. 03-109  
Petition for Declaratory Ruling That tw telecom inc. Has the Right to Direct  
IP-to-IP Interconnection Pursuant to Section 251(c)(2) of the  
Communications Act, as Amended, for the Transmission and Routing of tw  
telecom's Facilities-Based VoIP Services and IP-in-the-Middle Voice  
Services, WC Docket No. 11-119**

Dear Ms. Dortch:

On August 9, 2011, Joe Gillan of Gillan Associates, outside consultant to COMPTTEL and tw telecom inc. ("tw telecom"), Dave Malfara, President and CEO of ETC Group, LLC, outside consultant to COMPTTEL, Nirali Patel of Willkie Farr & Gallagher LLP, outside counsel to tw telecom, and the undersigned, Vice President of Regulatory Affairs for COMPTTEL, met with Marius Schwartz, Chief Economist, and Eric Ralph of the Wireline Competition Bureau.

The presenters urged the FCC to explicitly confirm without delay that IP-to-IP interconnection is subject to Sections 251 and 252 of the Communications Act, as amended

(“Act”). Interconnection is fundamental to the provision of telecommunications and the Act is technology neutral on this matter.

In its February 9, 2011 Notice of Proposed Rulemaking (“NPRM”) and Further NPRM on intercarrier compensation reform, the Commission asked what additional actions it should take to encourage the transition to IP technology and how IP-to-IP interconnection arrangements for the exchange of VoIP traffic fit within existing legal and technical frameworks (*see* NPRM ¶ 679). Mr. Gillan explained that the most important action the Commission can take to attain its overarching goal of promoting the deployment of broadband and IP technology is to confirm in no uncertain terms that IP-to-IP interconnection is subject to Sections 251 and 252 of the Act. Such a confirmation is not only in accordance with the Act, but is necessary to ensure that incumbent LECs—which have much stronger bargaining power than their competitors—enter into good faith carrier-to-carrier negotiations of just and reasonable terms and conditions for IP-to-IP interconnection. Mr. Malfara explained that such a confirmation is also necessary to ensure that competitive LECs do not continue to incur the unnecessary service quality erosion, costs and inefficiencies associated with converting IP calls to TDM format, including the costs of purchasing, operating, and maintaining numerous media gateways.

In addition, the presenters emphasized that the Commission does not need to establish detailed technical regulations governing IP-to-IP interconnection at this time. Rather, it is sufficient for the Commission to allow such details to be addressed in bilateral negotiations between incumbent LECs and competitive LECs, subject to state regulatory commission oversight under Section 252 of the Act.

Finally, the presenters explained that IP-to-IP interconnection is fundamentally different from Internet peering. To begin with, Internet backbone networks that can be substituted for one another, and which transmit best-efforts public Internet traffic, cannot be relied upon to exchange facilities-based VoIP traffic, which is provided using a managed-packet architecture. Additionally, the inability to rely on an intermediate transport provider, like Internet backbone providers, gives competitive LECs no choice but to seek direct IP-to-IP interconnection with incumbent LECs. Incumbent LECs, however, have no incentive to establish such interconnection because they have substantially more end-user customers than competitive LECs.

Mr. Gillan also distributed the attached materials. Please do not hesitate to contact me if you have any questions regarding this submission.

Respectfully submitted,

/s/ Karen Reidy

Karen Reidy

cc (via email): Marius Schwartz  
Eric Ralph